

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WESLEY REDDING,)	CASE NO.	1:22-cv-1333
)		
Plaintiff,)	JUDGE	
)		
v.)		
)	Removed from	
TRUCK SERVICE, INC.)	Cuyahoga County Court of Common	
)	Pleas (CV-22-964993)	
Defendant.)		
)		

DEFENDANT TRUCK SERVICE, INC.'S NOTICE OF REMOVAL OF ACTION

Defendant Truck Service Inc. ("TSI") hereby removes this action from the Court of Common Pleas of Cuyahoga County, Ohio to the United States District Court for the Northern District of Ohio pursuant to 28 U.S.C. §§ 1441(a) and 1446. In support of removal, TSI states the following:

1. On June 21, 2022, Plaintiff Wesley Redding ("Plaintiff") filed an action in the Cuyahoga County, Ohio Court of Common Pleas, captioned *Wesley Redding v. Truck Service, Inc.* Case No. CV-22-964993 (the "State Court Action"). A true and accurate copy of Plaintiff's complaint, along with copies of all the process, pleadings, and orders in the State Court Action is attached as Exhibit A.

2. The Summons and Complaint were served on TSI on June 28, 2022. TSI filed an answer on July 25, 2022.

3. The Complaint alleges that TSI violated 42 U.S.C. §§ 2000e-2000e-17 and § 1983. *See* Compl. ¶¶ 50, 57, 70.

4. The Complaint alleges that TSI violated the Fair Labor Standards Act (FLSA). *See* Compl. ¶ 147.

5. This Court has original jurisdiction over the State Court Action under 28 U.S.C. § 1331, which confers jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States.”

6. This Court has supplemental jurisdiction over the State Court Action under 28 U.S.C. § 1367 to the extent that additional claims do not arise under the Constitution, laws, or treaties of the United States.

7. Under 28 U.S.C. § 1441, TSI can remove a civil action from state to federal court if the federal district court will have federal question jurisdiction as it does in this case.

8. The Eastern Division of the United States District Court for the Northern District of Ohio embraces the place where the State Court Action is pending. *See* 28 U.S.C. § 1441(a).

9. This Notice of Removal of Action has been timely filed under 28 U.S.C. § 1446(b)(1), i.e., within thirty (30) days after TSI first received the summons of the initial pleading setting forth the claims for relief upon which the State Court Action is based. *See also Murphy Bros. v. Michetti Pipe Stringing*, 526 U.S. 344, 347 (1999).

10. TSI will give written notice of the filing of this Notice of Removal of Action to Plaintiff as required by 28 U.S.C. § 1446(d) and contemporaneously with this Notice of Removal of Action, file a copy of this Notice of Removal of Action with the Clerk of Courts for the Cuyahoga County, Ohio Court of Common Pleas, as further required by that section.

11. In filing this Notice of Removal of Action, TSI does not waive any defense or counterclaim that may otherwise be available to it.

WHEREFORE, TSI, in conformity with the requirements set forth in 28 U.S.C. § 1446, gives notice that the State Court Action, which is presently pending in the Cuyahoga County, Ohio Court of Common Pleas is hereby removed to this Court.

Respectfully submitted,

/s/ Steven E. Seasly

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CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2022, the foregoing was electronically filed with the Clerk of the Court via the Court's CM/ECF filing system and was served upon the following via electronic mail:

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/s/ Steve E. Seasly
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